

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
:
UNITED STATES OF AMERICA : CONSENT PRELIMINARY ORDER
- v. - : OF FORFEITURE/
ABRAHAM KAHAN, : MONEY JUDGMENT
Defendant. :
----- x

WHEREAS, on or about May 15, 2024, ABRAHAM KAHAN (the “Defendant”), was charged in a seven-count Superseding Information, S1 18 Cr. 158 (the “Information”), with conspiracy to commit bank fraud in violation of Title 18, United States Code, Sections 1349 and 3293 (Count One); bank fraud in violation of Title 18, United States Code, Sections 1344, 3293 and 2 (Count Two); conspiracy to make false statements to a bank in violation of Title 18, United States Code, Section 371 and 3293 (Count Three); making false statements to a bank in violation of Title 18, United States Code, Sections 1014, 3293 and 2 (Count Four); conspiracy to commit health care fraud in violation of Title 18 United States Code, Section 1349 (Count Five); concealment money laundering in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i), 1956(c)(7)(F), and 2 (Count Six); and false statements in violation of Title 18, United States Code, Sections 1001 and 2 (Count Seven);

WHEREAS, the Information included a forfeiture allegation as to Counts One through Five of the Information, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 982(a)(2) of any and all property constituting or derived from, proceeds obtained directly or indirectly, as a result of the commission of the offense charged in Counts One through Five of the Information, including but not limited to a sum of money in United

States currency representing the amount of proceeds traceable to the commission of the offenses charged in Counts One through Five of the Information that the Defendant personal obtained;

WHEREAS, on or about March 24, 2021, the Defendant pled guilty to Counts One through Four of the Information, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Counts Four and Five of the Information and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 982(a) proceeds traceable to the commission of the offenses charged in Counts One through Four of the Information;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$505,000 in United States currency, representing, pursuant to Title 18, United States Code, Sections 982(a)(2) and (7), the amount proceeds traceable to the offenses charged in Counts One through Four of the Information that the Defendant personally obtained; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Counts One through Four of the Information that the Defendant personally obtained, cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Damian Williams, United States Attorney, Assistant United States Attorney, Dina McLeod, Daniel G. Nessim, and Kimberly J. Ravener of counsel, and the Defendant, and his counsel, Sarita Kedia, Esq., that:

1. As a result of the offenses charged in Counts One through Four of the Information, to which the Defendant pled guilty, a money judgment in the amount of \$505,000 in United States currency (the “Money Judgment”), representing the amount proceeds traceable to

the offenses charged in Counts One through Four of the Information that the Defendant personally obtained, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the Defendant, ABRAHAM KAHAN, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding money judgment shall be made by postal money order, bank or certified check, made payable, in this instance, to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Illicit Finance & Money Laundering Unit, 26 Federal Plaza, New York, New York 10278 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment into the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Title 21, United States Code, Section 853(p), the United States is authorized to seek forfeiture of substitute assets of the Defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

8. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By: Daniel Nesim
DINA MCLEOD
DANIEL G. NESIM
KIMBERLY J. RAVENER
Assistant United States Attorneys
26 Federal Plaza
New York, NY 10007
(212) 637- 2358/2486

5/15/2024
DATE

ABRAHAM KAHAN

By: _____
ABRAHAM KAHAN

5.15.24
DATE

By: Sarita Kedia
SARITA KEDIA, Esq.
Attorney for Defendant
5 East 22nd Street, Suite 7B
New York, NY 10010
(212) 681-0202

5/15/24
DATE

SO ORDERED:

George B. Daniels
HONORABLE GEORGE B. DANIELS
UNITED STATES DISTRICT JUDGE

5/15/24
DATE